

STATEMENT OF P.O. JASON VAN DYKE

CONDUCTED BY INVESTIGATOR KILLEN

ON OCTOBER 22, 2014 AT 1147 HOURS

AT THE INDEPENDENT POLICE REVIEW AUTHORITY

1 KILLEN: This is the audio recorded interview of Officer  
2 Jason Van Dyke regarding Log number 1072125 U  
3 number 14 dash 36. Today is the 22<sup>nd</sup> of October  
4 2014. And the time is approximately 1147 hours.  
5 This statement is bein' taken at the offices of  
6 the Independent Police Review Authority at 1615  
7 West Chicago Avenue. My name is Investigator  
8 Killen, that's spelled K I L L E N. My star  
9 number is 1 2 9. Present in the room is also uh  
10 FOP Field Rep uh Kriston Kato.  
11 KATO: Kristen Kato, K R I S T O N. Last name is K A T  
12 O. FOP Field Representative.  
13  
14 KILLEN: Uh and also uh Attorney Thomas Rebholz.  
15 REBHOLZ: Uh Attorney Thomas Rebholz, T H O M A S, R E B H  
16 O L Z.  
17  
18 KILLEN: Okay. And then Officer Van Dyke if you would say  
19 and spell your first name and last names for me.  
20 P.O.VAN DYKE: Jason Van Dyke. J A S O N. V A N, D Y K E.  
21  
22 KILLEN: And uh what's your star number?  
23 P.O.VAN DYKE: 9 4 6 5.  
24  
25 KILLEN: And your employee number?  
26 P.O.VAN DYKE: [REDACTED]  
27  
28 KILLEN: All right. And your date of appointment with the  
29 Department?  
30 P.O.VAN DYKE: 25 June 2001.  
31  
32 KILLEN: And your date of birth?

1 P.O.VAN DYKE: [REDACTED]  
2  
3 KILLEN: And your current unit of assignment?  
4 P.O.VAN DYKE: 8<sup>th</sup> District.  
5  
6 KILLEN: How long you been assigned to 8?  
7 P.O.VAN DYKE: Uh since January of this year.  
8  
9 KILLEN: Where were you before that?  
10 P.O.VAN DYKE: 7<sup>th</sup> District.  
11  
12 KILLEN: Okay. (clears throat) And you're now prepared to  
13 give a statement regarding this incident?  
14 P.O.VAN DYKE: Yes.  
15  
16 KILLEN: All right and you're aware that this statement  
17 has the standing of an official Department  
18 report. And that any intentional falsification  
19 to any answer to any question would be in direct  
20 violation of Department rules and regulations?  
21 P.O.VAN DYKE: Yes.  
22  
23 KILLEN: Given that, I'd like to remind you that failure  
24 to provide a complete and accurate account of  
25 this incident could result in a finding of a  
26 violation of Rule 14 with discipline leading up  
27 to and including separation from the Chicago  
28 Police Department. Do you understand?  
29 P.O.VAN DYKE: Yes.  
30  
31 KILLEN: All right and before we do start, any um, this  
32 device that we're usin' to record this is really

1 sensitive. So any whispered conversation you  
2 might have it'll pick it up. So you need to, if  
3 you wanna talk to the attorney raise your hand  
4 we'll pause it. We'll let you have your  
5 conversation then we'll continue on okay?

6 P.O.VAN DYKE: Yes.

7

8 KILLEN: All right so on 20 October 2014 at approximately  
9 2156 hours what was your duty status and  
10 assignment?

11 P.O.VAN DYKE: Uh this statement is not being given  
12 voluntarily but under duress. I'm only giving  
13 this statement at this time because I know that I  
14 will loose my job if I refuse the direct order  
15 given to me.

16

17 KILLEN: Okay so same question October 20<sup>th</sup> approximately  
18 2156 hours what was your duty status?

19 P.O.VAN DYKE: I was assigned to the Chicago Police  
20 Department.

21

22 KILLEN: Were you on duty?

23 P.O.VAN DYKE: Yes I was.

24

25 KILLEN: Okay. What time did you start work that night?

26 P.O.VAN DYKE: 2100 hours.

27

28 KILLEN: Okay and uh were you assigned a partner?

29 P.O.VAN DYKE: Yes I was.

30

31 KILLEN: Who's your partner?

32 P.O.VAN DYKE: Uh Joe Walsh.

1  
2 KILLEN: All right and were you and Officer Walsh full  
3 uniform?  
4 P.O.VAN DYKE: Uh we were in full uniform in a marked squad  
5 car.  
6  
7 KILLEN: Okay were you in a car, Tahoe, what were you in?  
8 P.O.VAN DYKE: We were in a Tahoe.  
9  
10 KILLEN: Okay marked?  
11 P.O.VAN DYKE: Yes.  
12  
13 KILLEN: Do you remember the outside number on it?  
14 P.O.VAN DYKE: No I do not.  
15  
16 KILLEN: Do you remember what beat you were assigned?  
17 P.O.VAN DYKE: Um 845 Robert.  
18  
19 KILLEN: Okay. And then so on 20 October 2014 your, your  
20 shift started 2100 hours correct?  
21 P.O.VAN DYKE: Yes sir.  
22  
23 KILLEN: What would you be 2100 to 0600?  
24 P.O.VAN DYKE: Yes.  
25  
26 KILLEN: Okay is that, that's your regular shift?  
27 P.O.VAN DYKE: Um no I'm a relief officer.  
28  
29 KILLEN: Okay so you kinda bounce a lil bit?  
30 P.O.VAN DYKE: Yes.  
31  
32 KILLEN: Okay. (clears throat) A midnight guy --

1 P.O.VAN DYKE: Yes.  
2  
3 KILLEN: -- essentially. All right. Did you work the  
4 night before?  
5 P.O.VAN DYKE: No I did not.  
6  
7 KILLEN: So the 20<sup>th</sup> of October is like your Monday?  
8 P.O.VAN DYKE: Yes.  
9  
10 KILLEN: Okay. Prior to, prior to showin' up to work on  
11 the 20<sup>th</sup> of October where were ya?  
12 P.O.VAN DYKE: Um I was at home. And I had a part-time job  
13 that day.  
14  
15 KILLEN: Oh whadda you do?  
16 P.O.VAN DYKE: Um I worked at uh the Wal-Mart in Cicero.  
17  
18 KILLEN: Security?  
19 P.O.VAN DYKE: Yes.  
20  
21 KILLEN: Okay.  
22 P.O.VAN DYKE: For Moneray.  
23  
24 KILLEN: Did you go, go from Moneray Security work, you  
25 work for Moneray Security?  
26 P.O.VAN DYKE: Yes.  
27  
28 KILLEN: I gotcha. Did you go from your part-time job to,  
29 to the 8<sup>th</sup> District and work? Or did you go from  
30 home to 8?  
31 P.O.VAN DYKE: I went from home to 8.  
32

1 KILLEN: Okay. All right and then on 20 October 2014  
2 approximately 2156 hours you were involved in a  
3 police shooting correct?  
4 P.O.VAN DYKE: Yes.  
5  
6 KILLEN: All right. And if you would just start from the  
7 beginning explain what happened that night that  
8 brought you, brought you there?  
9 P.O.VAN DYKE: Um I heard um 815 Robert requesting  
10 assistance and we responded.  
11  
12 KILLEN: Okay. So (inaudible) so 20, so on 20 October  
13 2014 you start work at 2100 hours correct?  
14 P.O.VAN DYKE: Yes.  
15  
16 KILLEN: So you get there you have roll call?  
17 P.O.VAN DYKE: Yes.  
18  
19 KILLEN: What time do you have roll call at? About?  
20 P.O.VAN DYKE: Around 2100, 2110.  
21  
22 KILLEN: Okay. And if you remember approximately what  
23 time did you get out of roll call?  
24 P.O.VAN DYKE: Maybe 20 minutes later.  
25  
26 KILLEN: Okay so say somewhere between 2130, 2140?  
27 P.O.VAN DYKE: Yes.  
28  
29 KILLEN: All right so you and Officer Walsh you go get  
30 your car?  
31 P.O.VAN DYKE: Yes.  
32

1 KILLEN: You guys get in the car. You leave the 8<sup>th</sup>  
2 District.  
3 P.O.VAN DYKE: Yes.  
4  
5 KILLEN: And whadda you do immediately from leaving the 8<sup>th</sup>  
6 District?  
7 P.O.VAN DYKE: Um we drove and we got some coffee at the 7  
8 Eleven on 59<sup>th</sup> and Pulaski.  
9  
10 KILLEN: Okay. Is that where you're at when you hear the  
11 call that the 815 Robert needs assistance?  
12 P.O.VAN DYKE: We were leaving there.  
13  
14 KILLEN: Okay. So you get your coffee and the call you're  
15 talkin' about you hear over the radio correct?  
16 P.O.VAN DYKE: Yes.  
17  
18 KILLEN: Were you assigned the job? Or did you just hear  
19 it?  
20 P.O.VAN DYKE: Um we didn't hear their initial job. We  
21 heard them requesting assistance.  
22  
23 KILLEN: Okay do you remember exactly what kinda  
24 assistance they were lookin' for or why?  
25 P.O.VAN DYKE: Um they were requesting a taser for an  
26 individual.  
27  
28 KILLEN: Okay do you remember where they were at when they  
29 requested it?  
30 P.O.VAN DYKE: They were around 40<sup>th</sup> and, 41<sup>st</sup> and one of the  
31 K streets. I don't remember.  
32



1 KILLEN: Okay. (clears throat) So uh so you and Officer  
2 Walsh you leave the 7 Eleven parking lot  
3 basically?  
4 P.O.VAN DYKE: We were already on Pulaski.  
5  
6 KILLEN: Okay but you just left the park, you just left 7  
7 Eleven?  
8 P.O.VAN DYKE: Right.  
9  
10 KILLEN: Who's drivin'?  
11 P.O.VAN DYKE: Joe Walsh.  
12  
13 KILLEN: Okay. So you immediately then go to say 40<sup>th</sup> and  
14 whatever K street there, the 815 Robert were at?  
15 P.O.VAN DYKE: Um yeah we were proceedin' southbound, yes.  
16  
17 KILLEN: Okay so you head toward --  
18 P.O.VAN DYKE: I'm sorry northbound.  
19  
20 KILLEN: You see 'em north on Pulaski towards 40<sup>th</sup> Street?  
21 P.O.VAN DYKE: Yes.  
22  
23 KILLEN: Okay. So you guys go lights and sirens?  
24 P.O.VAN DYKE: Yes.  
25  
26 KILLEN: All right so you guys go straight from let's just  
27 say from 7 Eleven to 40<sup>th</sup> and Pulaski that's where  
28 you're headed?  
29 P.O.VAN DYKE: Yes.  
30  
31 KILLEN: And what happens there?

1 P.O.VAN DYKE: Um once we get closer heard also over the  
2 air that um subject, they're still askin' for a  
3 taser and that the uh, the subject is armed uh  
4 with a knife. And that he had just slashed one  
5 of their tires.  
6  
7 KILLEN: So that's over the radio you hear all this  
8 correct?  
9 P.O.VAN DYKE: Yes.  
10  
11 KILLEN: All right. Do you carry a taser?  
12 P.O.VAN DYKE: No I do not.  
13  
14 KILLEN: Does Officer Walsh?  
15 P.O.VAN DYKE: I don't know that.  
16  
17 KILLEN: Okay.  
18 P.O.VAN DYKE: That night I don't think he had one.  
19  
20 KILLEN: Okay. And Officer Walsh he would be your regular  
21 partner correct?  
22 P.O.VAN DYKE: No.  
23  
24 KILLEN: Okay oh you said he was.  
25 P.O.VAN DYKE: Yes.  
26  
27 KILLEN: You really bounce around then.  
28 P.O.VAN DYKE: Yes I do.  
29  
30 KILLEN: Okay. So you and Officer Walsh you get to 40<sup>th</sup>  
31 and this is about Karlov is where this happens

1 at. Or starts off at Karlov and these guys and,  
2 and toward Pulaski.

3 P.O.VAN DYKE: I yeah I don't know what K street it was. I  
4 just --

5

6 KILLEN: No I'm, I'm tellin' ya.

7 P.O.VAN DYKE: Okay.

8

9 KILLEN: All right so, so you guys get to, so you get to  
10 40<sup>th</sup> and Pulaski and what happens?

11 P.O.VAN DYKE: Um we, we head um westbound on 40<sup>th</sup> Street.  
12 We're right there at the Burger King um he's  
13 givin' out that the guy's runnin' eastbound  
14 towards Pulaski um I'm sorry. One of the  
15 officers of 815 Robert is givin' out a  
16 description over the air that the offender's  
17 runnin' eastbound towards Pulaski and he's at the  
18 Burger King lot. Um I see Officer McElligott on  
19 foot um approaching into the Burger King lot. I  
20 see the offender running eastbound through the  
21 Burger King parking lot.

22

23 KILLEN: Okay. Do you remember the description given out  
24 over the radio of the offender?

25 P.O.VAN DYKE: No.

26

27 KILLEN: But when you see the guy runnin' through the  
28 parkin' lot --

29 P.O.VAN DYKE: I see the guy runnin' through the parkin'  
30 lot with the knife.

31

1 KILLEN: Okay. And as best you can describe to me what  
2 that man looks like?

3 P.O.VAN DYKE: Uh he's a male black, braids. He had a  
4 black jacket on and blue jeans.  
5

6 KILLEN: And you saw 'em with a knife?

7 P.O.VAN DYKE: Yes I did in his right hand.  
8

9 KILLEN: He's runnin', he, he's runnin' east through the  
10 parking lot?

11 P.O.VAN DYKE: He's runnin' east and on a diagonal towards  
12 the uh Burger King.  
13

14 KILLEN: And when you see this where you at?

15 P.O.VAN DYKE: We're about getting, we're basically at the  
16 mouth of the parking lot.  
17

18 KILLEN: Burger King?

19 P.O.VAN DYKE: Yes.  
20

21 KILLEN: What happens then? So you see this guy runnin'  
22 and you see Officer McElligott on foot after 'em  
23 correct?

24 P.O.VAN DYKE: Yes.  
25

26 KILLEN: Okay and what happens?

27 P.O.VAN DYKE: We enter the parking lot. We kinda cut 'em  
28 off from goin' into the Burger King. See another  
29 squad car approaching on our left. And it looks  
30 like we're going to be able to pin 'em in. He  
31 continues running eastbound towards Pulaski. We  
32 continue to follow him on to Pulaski and at that

1 point he starts running southbound on, in the  
2 middle of Pulaski.  
3  
4 KILLEN: So at this point you have, you have neither of  
5 you, you or Officer Walsh have exited the squad  
6 car?  
7 P.O.VAN DYKE: No.  
8  
9 KILLEN: Okay. So then when the offender runs south on  
10 Pulaski you continue south after 'em?  
11 P.O.VAN DYKE: Yes.  
12  
13 KILLEN: And what happens from there?  
14 P.O.VAN DYKE: Um we get a lil bit closer to 'em because it  
15 looks like he's tryin' to run towards the Dunkin'  
16 Donuts cause he's continually makin' a beeline  
17 towards the nearest um, nearest building. We cut  
18 'em off again. There's another squad car  
19 approaching and he diverts um back into the um  
20 southbound lanes on Pulaski. And at that point  
21 we go around the other squad cars and we get  
22 ahead of 'em by about five or six car lengths.  
23  
24 KILLEN: Okay. And what you mean is you went, you went  
25 further south on Pulaski right?  
26 P.O.VAN DYKE: Yes we did.  
27  
28 KILLEN: The chase continued south on Pulaski?  
29 P.O.VAN DYKE: Yes it did.  
30  
31 KILLEN: And so you get ahead of 'em?  
32 P.O.VAN DYKE: Yes.

1

2 KILLEN: And what happens?

3 P.O.VAN DYKE: Um we parked the squad car kind of on an  
4 angle in the middle of Pulaski so he can't keep  
5 on running down the road.

6

7 KILLEN: Okay.

8 P.O.VAN DYKE: Um I exit the vehicle. Uh I see 'em runnin'  
9 wavin' this knife with his right hand you know  
10 under, it in an under position. I give 'em  
11 verbal commands to drop the knife. I'm yellin' at  
12 'em drop the knife.

13

14 KILLEN: Okay. When you guys, you park your car on  
15 Pulaski correct?

16 P.O.VAN DYKE: I'm sorry?

17

18 KILLEN: The car, your car gets stopped on Pulaski?

19 P.O.VAN DYKE: Yes it does.

20

21 KILLEN: Is there traffic, is there regular traffic on  
22 Pulaski at that point do you remember?

23 P.O.VAN DYKE: I don't remember really any being there.

24

25 KILLEN: Okay. And he's --

26 P.O.VAN DYKE: I'm focused on him.

27

28 KILLEN: Right I know. And he's still on Pulaski and he's  
29 in the southbound lanes still runnin' south  
30 though right?

31 P.O.VAN DYKE: Yes.

32

1 KILLEN: You said he was kinda makin' that beeline between  
2 say Burger King and the Dunkin' Donuts on the  
3 east side of Pulaski?  
4 P.O.VAN DYKE: Correct.  
5  
6 KILLEN: So you, you stop. You get out, pistol drawn.  
7 P.O.VAN DYKE: Yes.  
8  
9 KILLEN: And order 'em to put the knife down.  
10 P.O.VAN DYKE: Yes I do.  
11  
12 KILLEN: And you say he's wavin' it at, as best you can  
13 describe what you were doin' with your hand  
14 there?  
15 P.O.VAN DYKE: He's wavin' it in an, he's clenchin' it. Um  
16 with the blade forward underneath and he's wavin'  
17 it um from you know his right side towards his  
18 left in an upward fashion.  
19  
20 KILLEN: Okay. Him doin' that make you think he was gonna  
21 put the knife down?  
22 P.O.VAN DYKE: No.  
23  
24 KILLEN: You took that to be a threatening --  
25 P.O.VAN DYKE: Yeah he was wavin' it upwards --  
26 REBHOLZ: Chest level.  
27 P.O.VAN DYKE: -- yeah at my chest. Chest level.  
28  
29 KILLEN: As if he wanted to he could stab you?  
30 P.O.VAN DYKE: Yes.  
31

1 KILLEN: Okay. And how far, so you get out and he's doin'  
2 this with the knife. How far are you from him at  
3 this point if you guess?  
4 P.O.VAN DYKE: I would say I was approximately ten to  
5 fifteen feet away from him.  
6  
7 KILLEN: And he's facin' you?  
8 P.O.VAN DYKE: He's, he's comin' towards me.  
9  
10 KILLEN: Okay. So he's closin' the distance between you  
11 and him?  
12 P.O.VAN DYKE: He is and I'm back pedalin'.  
13  
14 KILLEN: Okay and at that point what's between you and  
15 him?  
16 P.O.VAN DYKE: Nothing.  
17  
18 KILLEN: And what's behind you? Do you know?  
19 P.O.VAN DYKE: I have no idea.  
20  
21 KILLEN: Do you know where Officer Walsh was at at this  
22 time?  
23 P.O.VAN DYKE: I have no idea.  
24  
25 KILLEN: All right what about any other officers. Did you  
26 see them too?  
27 P.O.VAN DYKE: I saw some squad cars approaching from the  
28 um the north. Um that's about it.  
29  
30 KILLEN: Okay. And I know you said it before, I'm gonna  
31 assume your attention is focused on the man with  
32 the knife.



1 P.O.VAN DYKE: Yes.  
2  
3 KILLEN: Okay. And he's closin' the distance between you  
4 and him and you're back pedalin' did you say?  
5 P.O.VAN DYKE: Yes I am.  
6  
7 KILLEN: Is he runnin' toward you?  
8 P.O.VAN DYKE: He's walkin' really fast almost like ah  
9 almost like a jog I think.  
10  
11 KILLEN: Okay. And that's when he's doin' the wavin' with  
12 the knife?  
13 P.O.VAN DYKE: Yes.  
14  
15 KILLEN: And what, what happens? So he's closin' the  
16 distance. You're back pedalin' and what happens?  
17 P.O.VAN DYKE: He's gettin', he's gettin' closer to me. I  
18 could see that there's nobody to my right.  
19 There's nothin' in front a me. There's nothin'  
20 to my left. I keep on orderin' 'em drop the  
21 knife, drop the knife, drop the knife. He  
22 doesn't drop the knife. He's still wavin' the  
23 knife at me. I'm thinkin' he's, he's goin' do  
24 somethin' to me.  
25  
26 KILLEN: And whaddid you think was he was gonna do?  
27 P.O.VAN DYKE: I think he's going to try and take my life  
28 away from me.  
29  
30 KILLEN: And what happens?  
31 P.O.VAN DYKE: I shoot 'em.  
32

1 KILLEN: Okay. Do you know how many times you fired?  
2 P.O.VAN DYKE: I shot 16 rounds.  
3  
4 KILLEN: You know that now?  
5 P.O.VAN DYKE: I know that because my weapon went into  
6 slide lock.  
7  
8 KILLEN: Oh so at the moment, at the time you knew that,  
9 you were aware of that?  
10 P.O.VAN DYKE: Yes.  
11  
12 KILLEN: Okay. And so when your pistol goes into slide  
13 lock do you think, do you know that you emptied  
14 the clip or do you think like it's a malfunction?  
15 P.O.VAN DYKE: I know I emptied the magazine.  
16  
17 KILLEN: Okay. So you weren't afraid of a malfunction?  
18 P.O.VAN DYKE: No.  
19  
20 KILLEN: And whadda you do? So the slide locks and whadda  
21 you do with your pistol?  
22 P.O.VAN DYKE: I did a tactical reload.  
23  
24 KILLEN: Okay. And do you fire again?  
25 P.O.VAN DYKE: No I do not.  
26  
27 KILLEN: Why not?  
28 P.O.VAN DYKE: Um I felt that the threat was eliminated.  
29 Um my partner, Officer Walsh said Jason back up I  
30 have this. Um I covered him while he approached  
31 and kicked the knife outta the offender's hand.  
32

1 KILLEN: Okay and when you say the threat's been  
2 eliminated, why is the threat eliminated?  
3 P.O.VAN DYKE: Um the subject was now layin' on the ground.  
4 Um he wasn't makin' any efforts to get up.  
5  
6 KILLEN: And Officer Walsh had to kick the knife from his  
7 hand?  
8 P.O.VAN DYKE: Yes he had to forcefully kick the knife out  
9 of his hand.  
10  
11 KILLEN: So the offender falls to the ground and he's  
12 still got the knife?  
13 P.O.VAN DYKE: He still has the knife. He's you know we're  
14 still yellin' at 'em drop the knife.  
15  
16 KILLEN: Okay. So then Officer Walsh tells you to back  
17 up, he's got this.  
18 P.O.VAN DYKE: Right.  
19  
20 KILLEN: He approaches the offender.  
21 P.O.VAN DYKE: He approaches the offender and he, he kicks  
22 it out of his hand.  
23  
24 KILLEN: And that whole time you're what the cover officer  
25 at that point?  
26 P.O.VAN DYKE: Yes.  
27  
28 KILLEN: Okay so and do you know what happens right after  
29 that then?  
30 P.O.VAN DYKE: After that um Officer Walsh gets over the  
31 air and um says shots fired by the police. I  
32 remember shouting we need an ambulance. Um I, I

1 think I keyed it up over the radio. I don't  
2 remember if I did or did not, but I shouted we  
3 need an ambulance.

4

5 KILLEN: All right and then that's when all the other  
6 officers start runnin' up, gettin' there correct?

7 P.O.VAN DYKE: Yes.

8

9 KILLEN: Okay. All right. At any time did you, did you  
10 handle that knife?

11 P.O.VAN DYKE: No I did not.

12

13 KILLEN: So Officer Walsh kicks it as it remains on the  
14 ground?

15 P.O.VAN DYKE: Yes.

16

17 KILLEN: Are you aware of any officer pickin' it up or  
18 touching or handlin' it in any way?

19 P.O.VAN DYKE: No I think it was just the um the crime lab  
20 recovered it.

21

22 KILLEN: Okay. So where they recovered it as far as you  
23 know is where it laid the entire time?

24 P.O.VAN DYKE: Yes.

25

26 KILLEN: Okay. And then just goin' back to when you  
27 discharged your firearm, do you remember, were  
28 you, were you standing still when you fired or  
29 were you movin'?

30 P.O.VAN DYKE: I think I was moving.

31

1 KILLEN: Do you think, do you think you were still movin'  
2 backwards?  
3 P.O.VAN DYKE: Yes.  
4  
5 KILLEN: Okay. Do you remember how you held the pistol?  
6 P.O.VAN DYKE: Yes.  
7  
8 KILLEN: How?  
9 P.O.VAN DYKE: Held it in front of me. Um two hands.  
10  
11 KILLEN: Are you right handed or left handed?  
12 P.O.VAN DYKE: I'm right handed.  
13  
14 KILLEN: All right so your right hand dominant.  
15 P.O.VAN DYKE: Yes.  
16  
17 KILLEN: So your left hand was for support?  
18 P.O.VAN DYKE: Yes.  
19  
20 KILLEN: Is that what you're doin'. And do you use  
21 sights?  
22 P.O.VAN DYKE: No I do not.  
23  
24 KILLEN: Okay. Before I forget what kinda pistol did you  
25 have?  
26 P.O.VAN DYKE: Um it's was a Smith & Wesson um 5943 9  
27 millimeter.  
28  
29 KILLEN: It was fully loaded?  
30 P.O.VAN DYKE: Yes it was.  
31  
32 KILLEN: So what's that 15?

1 P.O.VAN DYKE: 15 plus one.  
2  
3 KILLEN: Okay. All right at the time did you have any  
4 other firearm on you?  
5 P.O.VAN DYKE: No I did not.  
6  
7 KILLEN: Do you own any other firearms?  
8 P.O.VAN DYKE: Yes I do.  
9  
10 KILLEN: What do you own?  
11 P.O.VAN DYKE: I own a um a Chief Special 38 Revolver.  
12  
13 KILLEN: That's it?  
14 P.O.VAN DYKE: That's it.  
15  
16 KILLEN: Okay. All right. So you, you, you're fully  
17 loaded. 16 rounds fired. Slide lock, you do  
18 tactical reload but you don't fire again?  
19 P.O.VAN DYKE: I do not.  
20  
21 KILLEN: All right so then when, when your weapon is  
22 recovered by the crime lab, that's what they got,  
23 they got the reloaded firearm?  
24 P.O.VAN DYKE: Yes sir.  
25  
26 KILLEN: So the clip is 15?  
27 P.O.VAN DYKE: I'm sorry?  
28  
29 KILLEN: Did you put one in the chamber and then 15 or is  
30 the 15 from the clip?  
31 P.O.VAN DYKE: 15 from the magazine.  
32

1 KILLEN: Okay. All right. And you weren't injured at all  
2 correct?

3 P.O.VAN DYKE: No sir.  
4

5 KILLEN: To the best of your recollection can you estimate  
6 how close you were when, or how close you and the  
7 offender were to each other when you fired your  
8 weapon at 'em?

9 P.O.VAN DYKE: I would say it was approximately 10 to 15  
10 feet.  
11

12 KILLEN: Okay. All right. And as far as you were, you're  
13 the only police officer that fired correct?

14 P.O.VAN DYKE: Yes sir.  
15

16 KILLEN: Okay. All right. Is there anything you'd like  
17 to add?

18 P.O.VAN DYKE: No sir.  
19

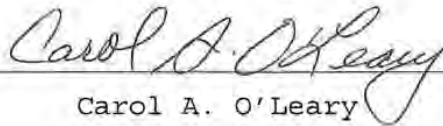
20 KILLEN: Everything you told me is a true and accurate  
21 account of what occurred?

22 P.O.VAN DYKE: Yes sir.  
23

24 KILLEN: All right this will conclude the audio recorded  
25 interview of Officer Jason Van Dyke regarding Log  
26 number 1072125 U number 14 dash 36. Today's the  
27 22<sup>nd</sup> of October 2014. The time's approximately  
28 1206 hours.

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I, CAROL A. O'LEARY, do hereby certify or affirm that  
I have impartially transcribed the foregoing from an audio  
recording of the above-mentioned proceeding to the best of  
my ability.



Carol A. O'Leary